

IFW

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: November 8, 2004 Name: Jeffrey M. Nichols

Signature: Jeff Nichols

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Jose A. Capote et al.

Appln. No.: 10/820,651

Filed: April 8, 2004

For: Method and Apparatus for Treating Waste

Attorney Docket No: 11855/17

Examiner: To Be Assigned

Art Unit: 3749

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Information Disclosure Statement (in dup.); Form PTO-1449; copies of 4 cited references  
☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.  
☒ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

November 8, 2004  
Date

Jeff Nichols  
Jeffrey M. Nichols (Reg. No. 46,958)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Jose A. Capote et al.  
 Appln. No.: 10/820,651  
 Filed: NOV 10 2004 April 8, 2004  
 For: Method and Apparatus for Treating Waste  
 Attorney Docket No: 11855/17

Examiner: To Be Assigned  
 Art Unit: 3749

## INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and §§ 1.97-1.98, and more particularly in accordance with 37 C.F.R. § 1.97(b), Applicants hereby cite the following reference(s):

No./Description	Date of Reference	Patentee/Applicant/Assignee/Country
US 6,645,438B1	November 2003	Dubrovsky
US 6,630,113B1	October 2003	Surma
US 6,576,807B1	June 2003	Brunelot et al.
US 6,551,563B1	April 2003	Kado et al.
US 6,514,469B1	February 2003	Kado et al.
US 6,388,226B1	May 2002	Smith et al.
US 6,355,904B1	March 2002	Batdorf et al.
US 6,250,236B1	June 2001	Feizollahi
US 6,222,153B1	April 2001	Wald
US 6,215,678B1	April 2001	Titus et al.
US 6,182,585B1	February 2001	Gonopolsky et al.
US 6,173,002B1	January 2001	Robert
US 6,153,158	November 2000	Flannery et al.
US 6,089,169	July 2000	Comiskey
US 6,037,560	March 2000	Titus et al.
US 6,018,471	January 2000	Titus et al.
US 5,958,264	September 1999	Tsantrizos et al.
US 5,943,970	August 1999	Gonopolsky et al.
US 5,908,564	June 1999	Titus et al.
US 5,811,752	September 1998	Titus et al.
US 5,798,497	August 1998	Titus et al.
US 5,762,009	June 1998	Garrison et al.
US 5,756,957	May 1998	Titus et al.

US 5,675,056	October 1997	Vance
US 5,666,891	September 1997	Titus et al.
US 5,657,706	August 1997	Liagre et al.
US 5,634,414	June 1997	Camacho
US 5,606,925	March 1997	Boen et al.
US 5,544,597	August 1996	Camacho
US 5,541,386	July 1996	Alvi et al.
US 5,534,659	July 1996	Springer et al.
US 5,497,710	March 1996	Camacho
US 5,451,738	September 1995	Alvi et al.
US 5,399,833	March 1995	Camacho
US 5,363,781	November 1994	Chang et al.
US 5,319,176	June 1994	Alvi et al.
US 5,280,757	January 1994	Carter et al.
US 5,222,448	June 1993	Morgenthaler et al.
US 5,143,000	September 1992	Camacho
US 5,134,946	August 1992	Poovey
US 5,127,347	July 1992	Cheetham
US 5,108,708	April 1992	Dummersdorf
US 5,095,828	March 1992	Holden et al.
US 5,090,340	February 1992	Burgess
US 5,065,680	November 1991	Cheetham
US 5,010,829	April 1991	Klukarni
US 4,998,486	March 1991	Dighe et al.
US 4,989,522	February 1991	Cline et al.
US 4,980,092	December 1990	Pineau et al.
US 4,896,614	January 1990	Kulkarni
US 4,886,001	December 1989	Chang et al.
US 4,831,944	May 1989	Durand
US 4,770,109	September 1988	Schlienger
US 4,644,877	February 1987	Barton
US 4,653,573	January 1987	Santén
US 4,615,285	October 1986	Bentell
US 4,508,040	April 1985	Santen et al.
US 4,479,443	October 1984	Faltdt et al.
US 4,438,706	March 1984	Boday et al.
US 4,181,504	January 1980	Camacho
US 3,841,239	October 1974	Nakamura
US 3,779,182	December 1973	Camacho
US 3,741,134	June 1973	Roberts et al.
US 3,622,493	November 1971	Crusco
US 2004/0159366A1	August 2004	Tsangaris et al.
US 2003/0167983A1	September 2003	Gnedenko et al.

US 2003/0048828A1	March 2003	Titus
US 2002/0192030A1	December 2002	Almeida
EP 0330872	June 1989	European Patent Office
Scope of Supply, Terms and Conditions, and Notice to Proceed regarding NCKU PTDR System	September 2002	N/A
Municipal Solid Waste Feasibility of Gasification with Plasma ARC, Environmental Analyses, presented to EPRI Symposium Industrial Applications of Plasma, Palo Alto, CA	March 1990	N/A
Reference regarding PLASCON™ system	Undated	N/A

Applicants are enclosing Form PTO-1449 (three sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. § 1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. § 1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Reference A70 listed on Form PTO-1449 describes a waste treatment system that was quoted in Taiwan in September 2002. Because the system was quoted in Taiwan, Applicants do not believe that it was the subject of a quotation "in this country" under 35 U.S.C. § 102, but are submitting it in an abundance of caution.

Reference A72 is not dated, but it is Applicants' understanding that it was publicly available at least as of September 27, 2003.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. § 1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other

information referred to therein, constitute "prior art" or are otherwise "material to patentability," as that phrase is defined in 37 C.F.R. § 1.56(a).

Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

November 8, 2004

Date

A handwritten signature in black ink that reads "Jeff Nichols". The signature is written in a cursive, slightly stylized font. It is positioned above a horizontal line.

Jeffrey M. Nichols (Reg. No. 46,958)



FORM PTO-1449	SERIAL NO. 10/820,651	CASE NO. 11855/17
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 8, 2004	GROUP ART UNIT 3749
(use several sheets if necessary)		APPLICANT(S): Jose A. Capote et al.

# REFERENCE DESIGNATION

# U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	US 6,645,438B1	November 2003	Dubrovsky		
	A2	US 6,630,113B1	October 2003	Surma		
	A3	US 6,576,807B1	June 2003	Brunelot et al.		
	A4	US 6,551,563B1	April 2003	Kado et al.		
	A5	US 6,514,469B1	February 2003	Kado et al.		
	A6	US 6,388,226B1	May 2002	Smith et al.		
	A7	US 6,355,904B1	March 2002	Batdorf et al.		
	A8	US 6,250,236B1	June 2001	Feizollahi		
	A9	US 6,222,153B1	April 2001	Wald		
	A10	US 6,215,678B1	April 2001	Titus et al.		
	A11	US 6,182,585B1	February 2001	Gonopolsky et al.		
	A12	US 6,173,002B1	January 2001	Robert		
	A13	US 6,153,158	November 2000	Flannery et al.		
	A14	US 6,089,169	July 2000	Comiskey		
	A15	US 6,037,560	March 2000	Titus et al.		
	A16	US 6,018,471	January 2000	Titus et al.		
	A17	US 5,958,264	September 1999	Tsantrizos et al.		
	A18	US 5,943,970	August 1999	Gonopolsky et al.		
	A19	US 5,908,564	June 1999	Titus et al.		
	A20	US 5,811,752	September 1998	Titus et al.		
	A21	US 5,798,497	August 1998	Titus et al.		
	A22	US 5,762,009	June 1998	Garrison et al.		
	A23	US 5,756,957	May 1998	Titus et al.		
	A24	US 5,675,056	October 1997	Vance		
	A25	US 5,666,891	September 1997	Titus et al.		
	A26	US 5,657,706	August 1997	Liagre et al.		
	A27	US 5,634,414	June 1997	Camacho		
	A28	US 5,606,925	March 1997	Boen et al.		
	A29	US 5,544,597	August 1996	Camacho		
	A30	US 5,541,386	July 1996	Alvi et al.		
	A31	US 5,534,659	July 1996	Springer et al.		
	A32	US 5,497,710	March 1996	Camacho		
	A33	US 5,451,738	September 1995	Alvi et al.		
	A34	US 5,399,833	March 1995	Camacho		
	A35	US 5,363,781	November 1994	Chang et al.		
	A36	US 5,319,176	June 1994	Alvi et al.		
	A37	US 5,280,757	January 1994	Carter et al.		
	A38	US 5,222,448	June 1993	Morgenthaler et al.		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/820,651	CASE NO. 11855/17
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 8, 2004	GROUP ART UNIT 3749
(use several sheets if necessary)		APPLICANT(S): Jose A. Capote et al.

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

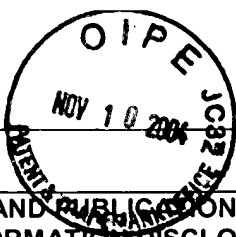
EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A39	US 5,143,000	September 1992	Camacho		
	A40	US 5,134,946	August 1992	Poovey		
	A41	US 5,127,347	July 1992	Cheetham		
	A42	US 5,108,708	April 1992	Dummersdorf		
	A43	US 5,095,828	March 1992	Holden et al.		
	A44	US 5,090,340	February 1992	Burgess		
	A45	US 5,065,680	November 1991	Cheetham		
	A46	US 5,010,829	April 1991	Klukarni		
	A47	US 4,998,486	March 1991	Dighe et al.		
	A48	US 4,989,522	February 1991	Cline et al.		
	A49	US 4,980,092	December 1990	Pineau et al.		
	A50	US 4,896,614	January 1990	Kulkarni		
	A51	US 4,886,001	December 1989	Chang et al.		
	A52	US 4,831,944	May 1989	Durand		
	A53	US 4,770,109	September 1988	Schlienger		
	A54	US 4,644,877	February 1987	Barton		
	A55	US 4,653,573	January 1987	Santén		
	A56	US 4,615,285	October 1986	Bentell		
	A57	US 4,508,040	April 1985	Santen et al.		
	A58	US 4,479,443	October 1984	Falldt et al.		
	A59	US 4,438,706	March 1984	Boday et al.		
	A60	US 4,181,504	January 1980	Camacho		
	A61	US 3,841,239	October 1974	Nakamura		
	A62	US 3,779,182	December 1973	Camacho		
	A63	US 3,741,134	June 1973	Roberts et al.		
	A64	US 3,622,493	November 1971	Crusco		
	A65	US 2004/0159366A1	August 2004	Tsangaris et al.		
	A66	US 2003/0167983A1	September 2003	Gnedenko et al.		
	A67	US 2003/0048828A1	March 2003	Titus		
	A68	US 2002/0192030A1	December 2002	Almeida		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A69	0330872	June 1989	EPO		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449	SERIAL NO. 10/820,651	CASE NO. 11855/17
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE April 8, 2004	GROUP ART UNIT 3749
APPLICANT(S): Jose A. Capote et al.		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.	
	A70	Scope of Supply, Terms and Conditions, and Notice to Proceed regarding NCKU PTDR System, September 2002
	A71	Municipal Solid Waste Feasibility of Gasification with Plasma ARC, Environmental Analyses, presented to EPRI Symposium Industrial Applications of Plasma, Palo Alto, CA, March 1990
	A72	Reference regarding PLASCON™ system, undated

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.